

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:09-CR-42-2BO

UNITED STATES OF AMERICA

v.

SHAUNA LOCKLEAR

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ORDER

This cause comes before the Court on defendant's motion to modify sentence pursuant to 18 U.S.C. § 3582(c). The government has responded and the motion is ripe for review. For the reasons discussed below, defendant's motion is denied.

DISCUSSION

Defendant, Locklear, currently is serving a 128-month sentence in the custody of the Bureau of Prisons. Locklear seeks a modification of her sentence based on extraordinary and compelling reasons. Locklear seeks relief under 18 U.S.C. § 3582(c)(1)(i), citing her completion of the residential addiction program and her chronic, terminal diagnosis of stenosed Billroth II gastrojejunostomy.


There are limited exceptions to the general rule that a court is without the power to modify a term of imprisonment once it has been imposed. 18 U.S.C. § 3582(c). Though Locklear's efforts toward rehabilitation are not to be disregarded, they do not provide a basis upon which this Court could lawfully permit her early release. Insofar as Locklear is requesting compassionate release based upon her health, such request must be made by the Director of the Bureau of Prisons in order for the Court to have authority to consider. 18 U.S.C. § 3582(c)(1)(A). There has been no motion

filed by the Bureau of Prisons on Locklear's behalf, and the Court must accordingly deny her relief.

CONCLUSION

For the foregoing reasons, defendant's motion [DE 112] is DENIED.

SO ORDERED, this 2 day of October, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE